



11707 E Sprague Ave Suite 106 ♦ Spokane Valley WA 99206
509.921.1000 ♦ Fax: 509.921.1008 ♦ cityhall@spokanevalley.org

May 19, 2006

Karen Dinicola
Water Quality Program
Department of Ecology
PO Box 47696
Olympia, WA 98504-7696

RE: NPDES Phase II Permit

Karen,

I am enclosing our comments for the proposed NPDES Phase II permit for your consideration.
Thank you for the opportunity to comment.

Sincerely,

Gloria Mantz
Stormwater Engineer
City of Spokane Valley
11707 E Sprague, Suite 106
Spokane Valley, WA 99206

COMMENTS

Page 1, Line 8 S1 Permit Coverage and Permittees A 1

“For all Cities required to obtain coverage under this permit, the requirements of this permit are applicable and shall be implemented throughout the entire incorporated area of the City.”

Ecology has indicated verbally at different workshops that permittees are only required to implement the requirements of the permit in those areas served by a regulated MS4. The current permit language can be interpreted as if the entire jurisdiction must comply with the permit even if there are areas within the City not served by a regulated MS4. This clarification needs to be made. We suggest the following language:

1 “For all Cities required to obtain coverage under this permit, the requirements of this permit are applicable and shall be implemented throughout all of the areas served by regulated MS4s. However, permittees are encouraged to implement the requirements of this permit throughout the entire incorporated area of the City.”

It is imperative that permittees and “third parties” understand the requirements clearly to avoid unnecessary litigation and/or enforcement activities by Ecology. Additionally, permit compliance will require additional budget and staffing. We need to understand the permit requirements so we can communicate to our elected officials the costs associated with permit compliance. We are obligated to identify any costs beyond that.

Page 5, Line 8 S2 A Authorized Discharges

“This permit authorizes the discharge of stormwater to surface waters and to groundwater of the state...”

Explain why this permit regulates groundwater releases. The federal definition of a regulated MS4 and the definition shown in Page 1, Line 22 S1 B 1 do not include discharges to groundwater only surface waters. Requiring permittees to regulate groundwater discharges increases the liability of the permittee, compliance costs, and the complexity of this permit. Ecology should remove groundwater discharges from the scope of the permit.

Page 9, Line 39, Public Involvement & Participation, b

“If the Permittee maintains a website, the SWMP that was submitted with the latest annual report, or a more current version, shall be posted on the website.”

This should not be a requirement. The permittees should have the reports available to the public as part of the public disclosure procedure but posting reports online should be the choice of the local jurisdiction. Please remove this requirement.

Page 11, Lines 13-39, Ordinance Prohibitions

Enforcement for violations of discharges from potable water sources, lawn watering, pool discharges are unrealistic. We don't have the man power or funding to enforce the "new ordinance" requirements.

Page 13, Lines 7-11, Illicit Discharge Detection and Elimination

This text indicates that permittees shall be procedures for removing the source of the discharge. We suggest that the first sentence should be changed to:

"Procedures for handling illicit discharges, including ..."

Page 17, Lines 38-43, Post-construction Stormwater Management

"To comply with this provision, the ordinance or regulatory mechanism must apply, at a minimum, to all new development and re-development projects ... and that are vested after the effective date of the ordinance or regulatory mechanism, or three years from the effective date of this permit, whichever is sooner."

The last portion of this sentence may be in conflict with local regulations. It can be interpreted that after 3 years of the effective of this permit, all projects must comply with the ordinance. For example, our land actions are vested for 5-years after the initial plat application. I think what you are saying is: within three years from the effective date of this permit, all new development and re-development projects shall comply with the ordinance provisions unless vested. Please clarify.

Page 20, Lines 14-37, Post Construction Site Stormwater Runoff Control,

"Structural BMPs shall be inspected at least once during installation by qualified personnel."

"Structural BMPs shall be inspected at least once every five years after final installation..."

Please clarify that the permittee is only required to inspect facilities owned by the permittee, not private development. Local jurisdictions cannot be expected to inspect privately owned facilities indefinitely.

Page 8, Line 20, Monitoring and Program Evaluation Requirements

Please explain the reasoning for requiring future long term monitoring. The permittee should be allowed to determine if monitoring is required based on their program.

Page 32, Lines 33-40; Page 33, Lines 1-18, Monitoring and Program Evaluation Requirements

The number of sampling locations should be derived by the population served the MS4s not the entire City population.

Page 33, Lines 5-8, Monitoring

The first sentence indicates that cities shall identify two outfall or conveyances. The second sentence indicates that three locations will be selected for sampling. Please clarify.

Appendix 2- Minimum Technical Requirements for Stormwater Management at New Development and Redevelopment Sites

Why repeat the guidance given in SMMEW by including it in Appendix 2? By including Appendix 2 in the permit, SMMEW is not longer guidance.